

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN MERCEDES,

Plaintiff,

**STIPULATION AND
ORDER OF DISMISSAL**

-against-

17 Civ. 7368 (AKH)

THE CITY OF NEW YORK; POLICE OFFICER RICHARD
EVANS, Shield No. 25177; POLICE OFFICER ANTHONY
AMIRALLY; POLICE OFFICER KEVIN TREACY; POLICE
OFFICER CHRISTOPHER BOLAND; EMERGENCY
MEDICAL TECHNICIAN ("EMT") JUAN C. SANTIAGO
PAULINO; EMT TIMOTHY CARABALLOSO; JOHN
DOES; and RICHARD ROES,

Defendants.
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WHEREAS, the parties have reached a settlement agreement and now desire to
resolve the remaining issues raised in this litigation without further proceedings, except as set
forth below, and without admitting any fault or liability;

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NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the above-referenced action is hereby dismissed with prejudice; except that plaintiff reserves his right to, and may, appeal the Court's Order on summary judgment, dated October 4, 2019, solely to the extent it granted defendants' summary judgment motion and denied plaintiff's summary judgment motion as to the following claims: (1) federal claims for unlawful seizure of his person; (2) federal claims for excessive force (unrelated to the tight handcuffing); (3) federal claims for failure to intervene; (4) New York State law claims for false arrest and false imprisonment; (5) New York State law claims for assault and battery (unrelated to the tight handcuffing), and (6) New York State law *respondeat superior* liability as to the City of New York for false arrest and imprisonment and assault and battery (unrelated to the tight handcuffing).

Dated: New York, New York
July 19, 2022

JEFFREY ROTHMAN
Attorney for Plaintiff
305 Broadway, Suite 100
New York, NY 10007

By:  7/18/22

Jeffrey Rothman
Attorney for Plaintiff

HON. SYLVIA O. HINDS-RADIX
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City of New York
Attorney for Defendants City of New York.
Evans, Amirally, Treacy, Boland,
Santiago Paulino, and Caraballoso
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New York, New York 10007

By: 

Christopher G. Arko
Senior Counsel

SO ORDERED:

/s/ Alvin K. Hellerstein

HON. ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE

Dated: July 22, 2022